

KENJI M. PRICE #10523
United States Attorney
District of Hawaii

MARSHALL H. SILVERBERG #5111
Assistant United States Attorney
Room 6-100, PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808)541-2850
E-mail: Marshall.Silverberg@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 18-00059 JMS-KSC
)	
Plaintiff,)	Government's Motion <i>in Limine</i>
)	Number 3 (prohibiting the defendant
)	from raising a "necessity defense" at
vs.)	trial); Memorandum of Law;
)	Declaration of Marshall Silverberg;
PETER CHRISTOPHER,)	Exhibits 1-16; Certificate of
)	Service
Defendant.)	
)	

GOVERNMENT'S MOTION IN LIMINE NUMBER 3
(prohibiting the defendant from raising a "necessity defense" at trial)

The United States of America ("the government") hereby moves this Court for a pretrial ruling prohibiting the defendant from raising a "necessity

defense" at trial. This motion is made pursuant to Federal Rule of Criminal Procedure 47, Federal Rule of Evidence 104(a), and is based upon the attached Memorandum of Law, the Declaration of Marshall H. Silverberg, the attached exhibits, and the files in this case.

With respect to setting this motion for argument, the government requests that the hearing be scheduled sometime in October because if the Court grants the motion, then many of the defendant's witnesses, both expert and percipient, probably would not be testifying. The defendant has made it clear that those witnesses are in furtherance of his necessity defense and if there is no such defense, then those witnesses probably will not be offering admissible testimony. Thus, from a standpoint of resources, especially because some of the witnesses would be traveling from Nicaragua, the government respectfully requests that this motion be heard in October and, if possible, decided well before the trial date of February 26, 2019.

DATED: September 12, 2018, Honolulu, Hawaii.

Respectfully submitted,

KENJI M. PRICE
United States Attorney
District of Hawaii

By: /s/ Marshall H. Silverberg
MARSHALL H. SILVERBERG
Assistant U.S. Attorney